

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Hirotaka WADA  
Title: COMMUNICATION DEVICE  
Appl. No.: To be assigned  
Filing Date: March 29, 2001  
Examiner: Unassigned  
Art Unit: Unassigned

**PRELIMINARY AMENDMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Prior to examination of the above-identified application, Applicant respectfully requests that the following amendments be entered into the application:

**IN THE CLAIMS:**

In accordance with 37 CFR §1.121, please substitute for original claims 3 and 5 the following rewritten versions of the same claims, as amended. The changes are shown explicitly in the attached "Versions With Markings to Show Changes Made."

3. (Amended) The communication device according to claim 1, further comprising:  
confirming means form confirming whether or not a communication partner has said cut-off frequency switching means, in advance of sending and receiving a communication data.

5. (Amended) The communication device according to claim 1, wherein the communication line is a telephone line, and said communication device is a modem.

**Please add the following new claims:**

7. (New) The communication device according to claim 2, further comprising:  
confirming means for confirming whether or not a communication partner has said  
cut-off frequency switching means, in advance of sending and receiving a communication  
data.

8. (New) The communication device according to claim 7, wherein said confirming  
means is structured such that switching control of said cut-off frequency switching means is  
carried out in accordance with results of confirmation.

**REMARKS**

Applicant respectfully requests that the foregoing amendments to Claims 3 and 5 and therefore adding new claims 7 and 8, be entered in order to avoid this application incurring a surcharge for the presence of one or more multiple dependent claims.

Respectfully submitted,

Date March 29, 2001

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**VERSIONS WITH MARKINGS TO SHOW CHANGES MADE**

3. (Amended) The communication device according to claim 1 [or claim 2], further comprising:

confirming means form confirming whether or not a communication partner has said cut-off frequency switching means, in advance of sending and receiving a communication data.

5. (Amended) The communication device according to [any of claims 1 through 4] claim 1, wherein the communication line is a telephone line, and said communication device is a modem.